

Environmental Justice Implementation Plan for the California Department Of Pesticide Regulation

**DRAFT
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Environmental Justice Definition: “The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Government Code Section 65040.12)

BACKGROUND

California Environmental Protection Agency Mandates

California law mandates broad responsibilities for California Environmental Protection Agency (Cal/EPA) and its boards, departments, and offices (BDOs) to incorporate environmental justice goals into their policies and programs. The law requires the formation of an interagency working group made up of the Cal/EPA Secretary, BDO chiefs, and the director of the State Office of Planning and Research (OPR). It also mandates formation of an external advisory group to the working group. These groups are to assist Cal/EPA in developing an agencywide environmental justice strategy and to provide procedural recommendations to ensure meaningful public participation in Cal/EPA activities.

Cal/EPA is specifically required by statute to do the following:

1. Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations of the state.
2. Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations in the state.
3. Ensure greater public participation in the Agency's development, adoption, and implementation of environmental regulations and policies.
4. Improve research and data collection for programs within the agency relating to the health and environment of people of all races, cultures, and income levels, including minority and low-income populations of the state.
5. Coordinate efforts and share information with the U.S. Environmental Protection Agency.
6. Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the Agency.
7. Consult with, and review any information received from, the working group on environmental justice established to assist Cal/EPA in developing an agency-wide strategy that meets the above requirements.

Development of the Cal/EPA Environmental Justice Strategy must include the following activities, as required by Public Resources Code section 71113:

1. Examine existing data and studies on environmental justice and consult with state, federal, and local agencies, and affected communities.
2. Identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
3. Develop procedures for the coordination and implementation of intra-agency environmental justice strategies.
4. Collect, maintain, analyze, and coordinate information relating to environmental justice.
5. Develop procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. Develop guidance for determining when it is appropriate for Cal/EPA or its BDOs to translate crucial public documents, notices, and hearings relating to human health or the environment for limited English-speaking populations.
6. Make a draft available to the public and hold public meetings to receive and respond to public comment before finalizing the strategy.

DPR Implementation

This is an implementation plan for incorporating environmental justice principles into Department of Pesticide Regulation (DPR) programs, policies, and activities. DPR's environmental justice policy follows Cal/EPA's Environmental Justice Strategy.

We restate that environmental justice is the *fair treatment* and *meaningful involvement* of all people regardless of race, culture, and income with respect to the development, implementation, and enforcement of DPR regulations and policies. *Fair treatment* means that no one group of people, including race, culture, or socioeconomic, should bear a disproportionate share of negative health or environmental consequences resulting from pesticide use, or the execution of DPR programs and policies. *Meaningful involvement* means that: (1) potentially affected persons have an appropriate opportunity to participate in decisions that affect their environment and/or health; (2) the public's contribution can influence DPR's decision; (3) the concerns of all participants involved will be considered in the decisionmaking process; and (4) the decisionmakers seek out and facilitate the involvement of those potentially affected.

DPR Environmental Justice Plan Elements

DPR will incorporate environmental justice values and perspectives into all of our programs, policies, actions, and regulations.

Fair treatment of all people is an overarching value guiding how we do business. We will ensure that environmental justice values and perspectives inform and illuminate our standard operating practices.

Specific Actions

- Encourage DPR and county agricultural commissioner (CAC) staff to attend scheduled environmental justice training programs.
- Maintain staff awareness of the importance of environmental justice by placing a discussion of environmental justice principles and efforts to fulfill our commitment on the agenda of DPR's managers/supervisors staff meetings, on a regular basis.
- Recognize the importance of environmental justice priorities and accomplishments by highlighting them in DPR's annual progress reports.
- Improve the use of DPR's advisory committees to solicit recommendations on how DPR can improve its programs in an equitable manner.
- Consider environmental justice when creating or modifying policies and procedures.
- Ensure that hiring practices promote a diverse work force.

DPR will integrate environmental justice considerations in developing communication to ensure meaningful public participation and promote community outreach.

DPR wants to enhance the participation of the public in state and local decisionmaking processes, and ensure that potentially affected parties are not overlooked and excluded from the process. We recognize that public participation involves two-way communications, with DPR receiving information, comments, and advice, as well as disseminating information on possible approaches, analyses, and decisions. To ensure meaningful participation, DPR will actively solicit input from communities, develop additional information on pesticides, make this information more accessible, and educate communities on the public process used to make state and local decisions. The Department recognizes the validity and importance of community knowledge, and the value of local and grassroots experiences in issues and decisions that affect them. The Department has an obligation to ensure that those affected by decisions are equal players in the decisionmaking processes. DPR recognizes the limitations on the capacity of some communities to participate in processes.

Specific Actions

- Seek out and facilitate the involvement of those primarily affected by DPR's decisions, programs, and policies, recognizing that in doing so we have made a commitment to seriously consider the input of the public.

- Hold meetings in affected communities at times and in places that encourage public participation, such as evenings and weekends, at centrally located and easily accessible meeting rooms, libraries, and schools.
- Ensure that affected people have the opportunity to participate in the development of policies and regulations.
- Identify opportunities to enhance accessibility to information, including translating materials and documents, making documents easily accessible in the community (either by physically providing copies at central locations, and/or posting them on DPR's Web site); and providing translation services at hearings and workshops as needed. Communicate to participants how their advice was or was not utilized.
- Consistent with right-to-know principles, improve access and utility of DPR data, especially pesticide use data.

DPR will conduct pesticide risk assessments in a way to consider the potential disproportionate environmental impacts on communities of color and low-income populations.

Human health and environmental research and assessment are cornerstones of informed decisionmaking to ensure a healthy environment. DPR must have a better sense of how to address issues of disproportionate impacts of pesticide use on communities. The goal is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.

Specific Actions

- Continue to conduct risk assessments taking into account sensitive populations, unique exposure scenarios, and cumulative impacts.
- Recognize that the impacts within minority populations, low-income populations, or Indian tribes may be different from impacts on the general population due to a community's distinct cultural practices. For example, data on different patterns of living, such as subsistence fish, vegetation, or wildlife consumption and the use of well water in rural communities may be relevant to the analysis. Incorporate these considerations into the data gathering and decisionmaking processes; for example, conducting studies to assess the potential exposure of Indian plant gatherers and users to forestry herbicides.
- Mitigate unacceptable risks for all the identified races, cultures, and incomes. Develop the mitigation measures with the involvement of the affected parties. Throughout the process of public participation, DPR will elicit the views of the affected populations on measures to mitigate a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe, and consider community views in developing and implementing mitigation strategies.

DPR will conduct its enforcement program and work with CACs to ensure the state-county program protects all races, cultures, and incomes.

DPR will work with the CACs to ensure the state-county enforcement program protects all races, cultures, and incomes. DPR and the CACs will work vigorously to enhance pesticide use

compliance, acknowledging that this increases protections for all California citizens. DPR wants to assure that all complaints are promptly and thoroughly investigated and feedback is provided to the public on actions taken. DPR will also prioritize our enforcement resources to maximize the greatest public good.

Specific Actions

- Examine opportunities to improve the pesticide use permitting processes by increasing public access to the process and protection of all races, cultures, and incomes.
- Ensure enforcement investigations are conducted in a way to reduce the potential for retaliation.
- Continue to develop and distribute materials in various languages describing how citizens can file complaints, including the right to file anonymous complaints.
- Make DPR written policies and procedures on filing and investigating complaints easily accessible, including posting on the Web site.
- Continuously evaluate compliance with pesticide rules and regulations to prioritize enforcement resources.
- Evaluate uniformity of compliance actions to ensure that communities receive equal protection.
- Prepare state enforcement priorities to address areas of greatest risk.
- Improve the state and local response to pesticide incidents, in part by working with CACs to develop effective complaint-resolution processes.
- Continue to improve the accessibility of information regarding enforcement activities and actions.

DPR will continue to reduce the pesticide risks to workers.

The occupational setting poses the greatest risk of pesticide exposure. Many occupational settings involve workers of low-income and minority populations. DPR will continue to evaluate the risks to workers, ensure their unimpeded access to information, the right to file complaints without fear of retaliation, and reduce worker illnesses.

Specific Actions

- Improve investigation procedures to reduce the potential for retaliation.
- Continue efforts to improve physician reporting of pesticide-related illnesses.
- Work with the Department of Industrial Relations on retaliation complaints.
- Improve the access to pesticide information, especially by limited English-speaking populations.
- Periodically assess the implementation, enforcement, and effectiveness of worker safety rules and regulations, revising them as necessary to address identified problems.
- Ensure farmworker representatives have substantial input into decisions affecting their constituents.
- Periodically review DPR's registration and evaluation policies and procedures to ensure that worker protections are actively and adequately considered. For example, deciding when to allow continued use of existing stocks of a cancelled pesticide.

Distribution of DPR's pollution prevention resources will be accessible to all races, cultures, and incomes.

Grants and other opportunities can result in changes in pest management that reduce the risks from pesticides. This is especially important in low-income and minority areas. Pest management in schools can be done in a way that poses the least risk.

Specific Actions

- Target grant programs in low-income and minority areas, particularly to assist community-based/grassroots organizations that are working on local solutions to local environmental problems.
- Facilitate the adoption of integrated pest management in schools, especially in rural and low-income areas.
- Provide informational materials in English and Spanish to the public about pesticide use and disposal.